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THE PRESENCE OF THE AUTHORITIES (JANUARY) ARE PERMITTED TO
SEE CLIENTS IN PRIVATE (WITH THE OIC). ATTORNEYS ARE PERMITTED
SUFFICIENT TIME TO PREPARE A DEFENSE, BUT CONTENT THAT THEIR
REQUESTS FOR EVIDENCE FAVORABLE TO THEIR CLIENTS TO BE PUT
INTO THE DOSSIER OR EVIDENTIARY RECORD ARE OFTEN TURNED
DOWN.

THERE IS AN AUTOMATIC RIGHT OF APPEAL TO THE SUPREME
MILITARY TRIBUNAL FOR SENTENCES GREATER THAN THREE YEARS IN
THE PENITENTIARY. HOWEVER, SENTENCES CAN BE INCREASED ON
APPEAL, THERE IS NO EXPRESS CONSTITUTIONAL PROVISION AGAINST
THIS BUT IT IS CONSIDERED BY SOME LAWYERS TO BE AGAINST THE
LEGAL PRINCIPLES OF URUGUAY. AN ADDITIONAL PROBLEM FACING A
PERSON DETAINED FOR SUBVERSION IS THAT WHEN A MILITARY JUDGE
MAKES A DECISION IN HIS FAVOR AND GRANTS HIS RELEASE, THE
MILITARY AUTHORITIES IN CHARGE OF HIS CUSTODY SOMETIMES IGNORE
THE ORDER AND KEEP THE PERSON DETAINED.

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OTHER COMPLAINTS OF DEFENSE ATTORNEYS CONCERN THE SLOWNESS
OF THE MILITARY JUDICIAL PROCESS (A COMPLAINT OFTEN HEARD
ALONG THE CIVILIAN JUDICIAL PROCESS AS WELL) AND WHAT THEY
CONSIDER THE HEAVY PATIENCE BY THE MILITARY AUTHORITIES ON THE
CONFESSIONS OF THE ACCUSED.

CONFESSIONS: THE THE-MAKING MILITARY JUDGES DENIED TO
CONFIRM THE EXISTENCE OF THESE PROBLEMS. HOWEVER, THE
MILITARY JUDGES ARGUED THAT THE PROBLEMS WERE NOT AS SEVERE
AS THE EMBASSY MAY HAVE BEEN LED TO BELIEVE, AND THAT THERE
WAS SATISFYING CIRCUMSTANCES (SEE PAR 5).

THE MOST SUSPICIOUS OF THE HUMAN RIGHTS VIOLATIONS THAT HAVE
OCCURRED IN URUGUAY WITH RESPECT TO PERSONS ACCUSED OF
"CRIMES AGAINST THE NATION" (INVASION OF THE HOME, TORTURE,
THE OFTEN PROLONGED INCOMMUNICADO DETENTION OF THE ACCUSED)
HAVE LARGELY TAKEN PLACE BEFORE THE PERSON EFFECTIVELY
ENTERED THE MILITARY JUSTICE SYSTEM. ONCE IN THE SYSTEM,
THE CONCEPT OF "TRIAL OF A PUBLIC TRIAL" CAN ONLY HAVE
LIMITED APPLICATION TO URUGUAY BECAUSE OF THE LARGELY WRITTEN
PROCEEDINGS UNDER WHICH BOTH THE ORDINARY AND MILITARY
COURT SYSTEMS OPERATE. HOWEVER, UNDER THE RUBRIC OF A
"TRIAL OF A PUBLIC TRIAL", MANY OF THE CRITICISMS OF THE
MILITARY COURTS SYSTEM APPEAR TO BE JUSTIFIED.

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